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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,106	06/25/2003	Yung-Soo Kim	784-54	3626
66547 7590 05/29/2008 THE FARRELL LAW FIRM, P.C. 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553				
EXAMINER				
BURD, KEVIN MICHAEL				
ART UNIT		PAPER NUMBER		
2611				
MAIL DATE		DELIVERY MODE		
05/29/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/607,106

**Applicant(s)**

KIM ET AL.

**Examiner**

Kevin M. Burd

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 and 7 is/are rejected.  
7) ☒ Claim(s) 2-6 and 8-13 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

1. This office action, in response to the remarks filed 3/5/2008, is a non-final office action.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1 and 7 have been considered but are moot in view of the new ground of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller et al (US 2003/0095590) in view of Vihriala (US 2002/0045433) further in view of Nangia et al (US 7,139,237).

Regarding claims 1 and 7, Fuller discloses an apparatus and method of estimating multiple access interference and recovering user data as shown in figure 3. The receiver of figure 3 receives an input signal that is composed of four user signals separated by orthogonal codes in a CDMA system. The input signal is stored and then separated into four individual signals corresponding to each of the user signals. The signals are demodulated and weighted (paragraph 0038). The weighted signals for each

of the four user signals are sent to the regenerate function 74 which will spread, scramble and filter the user signals. The regenerated signals for the second, third and fourth users are subtracted from the stored composite input signal to form an estimate of the individual signal for the first user. New representations of the individual signals are generated in a similar fashion for the second, third and fourth users (paragraph 0039). These user signals are feedback to block 66A and used for the next iteration in the receiver. The functions are repeated a number of times and the output of the last iteration is used to form the final symbol decisions from the each of the four individual signals (paragraph 0040). The second, third and fourth users act as interference on the first user in the received signal and these signals are estimated and processed and then subtracted from the input signal to determine the first user signal.

Fuller does not disclose calculating a frequency offset of the input signal and compensating for that frequency offset. Vihriala discloses an apparatus and method for estimating the frequency offset from a received signal. Vihriala discloses a complex phasor is generated for compensating the frequency offset. The frequency compensation can be made before or after the channel estimation thus producing feedback compensation (paragraph 0013). The circuitry for generating the complex phasor for compensating the frequency offset is shown in figures 5 and 6. The frequency offset is estimated from the channel estimate (paragraph 0013 and figure 5). The correction of frequency offset in the receiver increases the accuracy of the channel estimate and increases performance (paragraph 0008). For this reason, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine

the method and apparatus of Vihriala into the receiver of Fuller. The combination is directed for use in a CDMA communication system. The combination does not disclose applying the method and apparatus to an interleaved frequency division multiple access (IFDMA) communication system. Nangia discloses a multi-rate multi-user IFDMA communication system (abstract). Nangia further discloses other multiple access protocols such as code division multiple access (CDMA) protocols can be used in conjunction with or run on top of the multi-rate IFDMA scheme described herein (column 15, lines 34-43). The combined CDMA/IFDMA scheme described will be an IFDMA system. Using multiple coding protocols will increase security of the transmitted data and the signal will be more resistant to interference. For this reason, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Nangia into the combination of Fuller and Vihriala.

#### ***Allowable Subject Matter***

4. Claims 2-6 and 8-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Burd whose telephone number is (571) 272-3008. The examiner can normally be reached on Monday - Friday 9 am - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Payne can be reached on (571) 272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin M. Burd/  
Primary Examiner, Art Unit 2611  
5/22/2008